

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

In re: Deputy Sheriffs' Education and Training Board

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Stenographic report of hearing
held in Majority Caucus Room,
Main Capitol, Harrisburg,
Pennsylvania

Tuesday
September 10, 1991

1:00 p.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Gerard A. Kosinski, Subcommittee Chairman on Courts
Hon. Karen A. Ritter, Secretary

MEMBERS OF JUDICIARY COMMITTEE

Hon. Frank Dermody
Hon. Gregory C. Fajt
Hon. Michael C. Gruitza
Hon. David W. Heckler
Hon. David J. Mayernik
Hon. Robert D. Reber, Jr.

Also Present:

Galina Milohov, Research Analyst

Reported by:
Dorothy M. Malone, RPR

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19
20
21
22
23
24
25

INDEX

Page

Robert Michel, Chairman of the Deputy Sheriffs' Education and Training Board	3
James Thomas, Executive Director of the Pennsylvania Commission on Crime and Delinquency	7

1 CHAIRMAN CALTAGIRONE: This afternoon's
2 oversight hearing is part of our continuing policy to
3 offer members of the Judiciary Committee every opportunity
4 to familiarize themselves with judiciary related operations
5 in the Commonwealth. Through these hearings not only are
6 the members provided with an overview of the various
7 state agencies, they also have an opportunity to ask
8 agency representatives about specific topics that might
9 be of particular interest to them.

10 Today we are hoping to learn more about
11 the training provided by the Deputy Sheriffs' Training
12 and Education Board, how it utilizes its budget and how
13 the whole program is administered through its board of
14 directors as a subdivision of the Pennsylvania Commission
15 on Crime and Delinquency.

16 This is one of the many functions that the
17 House Judiciary Committee performs. As Chairman, myself,
18 Tom Caltagirone, and members, Representative Heckler and
19 Reber and others that will probably will be here and staff
20 that is present would listen very intently to your
21 testimony and probably have some questions after you
22 make your presentations. And with that if you would please
23 identify yourself for the record and we will start with
24 your testimony.

25 SHERIFF MICHEL: I am Sheriff Robert Michel,

1 M-i-c-h-e-l of Erie County and Chairman of the Training
2 Board.

3 MR. THOMAS: I am James Thomas, the
4 Executive Director of the Pennsylvania Commission on Crime
5 and Delinquency.

6 MR. SPANGENBERG: I am Steven Spangenberg,
7 Program Manager, Deputy Sheriffs' Training, staff member
8 of the Board and the Commission on Crime and Delinquency.

9 SHERIFF MICHEL: Mr. Chairman and members
10 of the Committee, my name is Robert Michel. I am the
11 Sheriff of Erie County and the Chairman of the Deputy
12 Sheriffs' Education and Training Board. With me today
13 are James Thomas, Executive Director of the Pennsylvania
14 Commission on Crime and Delinquency, and Steve Spangenberg,
15 our Program Manager for Deputy Sheriffs' Training. We
16 are pleased to have this opportunity to inform you of the
17 activities of the Board. I would like to begin with an
18 overview of the Board's structure and responsibilities.
19 Mr. Thomas will then provide further detail concerning the
20 training programs of the Board and several issues which
21 are currently before the House.

22 The Deputy Sheriffs' Education and Training
23 Board was appointed in August 1984 subsequent to the
24 provisions of Act 1984-2, the Deputy Sheriffs' Education
25 and Training Act. The nine-member board is composed of

1 two Common Pleas Court judges, two sheriffs, three deputy
2 sheriffs, one educator, and the Attorney General. Act
3 1984-2 directed the Board to establish, implement and
4 administer a program of basic training and certification,
5 and a program of continuing education training, for
6 deputy sheriffs. In carrying out this mandate, the Board
7 operates with the review and approval of the Pennsylvania
8 Commission on Crime and Delinquency which provides
9 administrative and staff support to the Board.

10 Basic training is mandated for all newly
11 hired deputy sheriffs from the Commonwealth's 67 Sheriffs'
12 Departments. In addition, the Act establishes the
13 successful completion of basic training as a requirement
14 for a deputy's continued employment. Basic training
15 consists of 160 hours of instruction which is accomplished
16 during a four-week course. Basic training course content
17 is determined by the Board. Deputies who successfully
18 complete basic training are certified by the Board through
19 the issuance of a certificate which assigns a certification
20 number to each deputy.

21 The Training Act gives the Board the
22 discretion to waive basic training on the basis of a
23 deputy sheriff's prior education, training, or experience.
24 Because of the unique nature of a deputy sheriff's duties,
25 which are not covered in any other training program, the

1 Board requires that deputies granted a waiver attend a
2 one-week course of training which is based upon basic
3 training content.

4 In addition to the basic training, all
5 deputies are required to attend the Board's continuing
6 education training every two years in order to maintain
7 their certification. This training consists of 16 to 20
8 hours of instruction with content determined by the Board.

9 The Board and its activities are exclusively
10 supported by a two dollar surcharge collected by each
11 sheriff on any fee for the service of complaints, summons,
12 writs or other legal papers. The surcharge collections
13 are maintained in a restricted receipts account by the
14 Office of State Treasurer. As an incentive to training,
15 the Act provides total funding of each deputy's tuition,
16 and living and travel expenses. Each county is also
17 reimbursed 50 percent of a deputy's salary while in
18 training. The Commission on Crime and Delinquency is
19 responsible for disbursements in support of training
20 delivery and administration, the activities of the Board,
21 and reimbursements to counties.

22 This overview of the Deputy Sheriffs'
23 Education and Training Board concludes my testimony. James
24 Thomas, Executive Director of the Commission on Crime and
25 Delinquency, will now provide a more detailed view of the

1 Board's training. We will then be happy to respond to any
2 questions. More than happy. Thank you, Mr. Chairman.

3 MR. THOMAS: Thank you, Sheriff. I make
4 reference to the two-page handout that we have also
5 provided you in addition to the testimony. I think we
6 have captured the major elements of the training that
7 might facilitate your quickly grasping a number of things
8 that the Board is into.

9 Since the inception of the Deputy Sheriffs'
10 Education and Training Board in 1984 the Commission has
11 provided the staff and administrative support required
12 for the implementation of all aspects of the Board's
13 operation. The reason for the Board's creation and all
14 of the activities of the Board are directly related to
15 the training of the approximately 1,400 deputy sheriffs
16 employed by the Commonwealth's 67 county sheriffs.

17 As the basis for certification of deputy
18 sheriffs, the Board's basic training curriculum consists
19 of 160 hours of instruction divided into several major
20 topics, including: introduction to the justice system,
21 role of the sheriff, civil law and procedure, criminal
22 law and procedure, prisoner transportation, court security,
23 self-defense, crisis intervention, professional development,
24 firearms, and first aid. An abbreviated basic training
25 course, known as the Waiver Course, consists of civil law

1 and process, prisoner transportation, and court security.
2 The Waiver Course is provided to those deputies who,
3 based upon relevant prior training, education or experience,
4 have applied for and have been granted a waiver of basic
5 training by the Board.

6 This curriculum and its delivery are based
7 upon the Board's review of other state-level criminal
8 justice training programs, the training needs of deputy
9 sheriffs, and the intent of Act 1984-2. During the
10 development of curriculum and the ongoing presentation
11 of basic training, the Board has been very conscious of
12 maintaining a high quality of training. The Board
13 recognizes the importance of its training as the foundation
14 of professional development for deputy sheriffs who
15 directly serve the public.

16 The Board's approach to basic training
17 utilizes a single, central training site. The Board has
18 found that this approach emphasizes the seriousness of
19 the training, allows trainees to take full advantage of
20 the course content and training facilities, promotes the
21 exchange of ideas and methods among departments, and
22 provides a uniformity of training received by deputies
23 from all parts of the Commonwealth.

24 Through the request-for-proposals process,
25 the Board has contracted with the Dickinson School of Law,

1 Carlisle, for the delivery of basic training since 1985.
2 Under Board supervision, the law school has trained 1,327
3 deputies in 15 basic training classes and eight waiver
4 classes during the past seven years. Since the first two
5 years of basic training, which trained the large initial
6 group of trainees, the basic training schedule has
7 become stable. On an annual basis, the Board trains and
8 certifies between 140 and 160 deputies through two basic
9 training classes and one waiver class.

10 The Board's continuing education training,
11 identified in Act 1984-2 as between 16 and 20 hours
12 of instruction, must be attended by all deputies every
13 two years. The Board views continuing education as a
14 means of maintaining the level of professional proficiency
15 of deputies. As with basic training, the Board is
16 concerned that the training presented is of a high quality
17 and directly related to the duties performed by a deputy
18 sheriff.

19 The continuing education curriculum contains
20 a total of 19 subjects organized into five modules of
21 20 hours of instruction each. Although the majority of
22 continuing education subjects are directly related to
23 the basic training curriculum, they are designed to
24 provide both a refresher and an expansion of the training
25 which deputies receive in basic training.

1 Again, utilizing the request-for-proposal
2 process, the Board has contracted with Temple University
3 Department of Criminal Justice for the delivery of
4 continuing education training since 1987. Temple provides
5 continuing education in ten locations around the state,
6 on a rotating basis over a two-year training cycle. In
7 this manner the Board is able to accomplish continuing
8 education training of approximately 700 deputies per year.

9 There are presently a number of amendments
10 to Act 1984-2 which, if approved, would bring about
11 significant positive changes to the operation of the
12 Board and the training it provides to deputy sheriffs.
13 I would like to briefly focus on the major changes which
14 the Board considers important.

15 House Bill 1361, Printer's Number 1579,
16 introduced by Representative Mayernick, contains four
17 major amendments to Act 1984-2. Of immediate concern is
18 a change in the point of collection of the surcharge
19 from the sheriff to the Prothonotary. This is of critical
20 importance to the Board since it would restore the loss
21 of revenue experienced as a result of the recent Supreme
22 Court change in Rule 400, Rules of Civil Procedure. The
23 Supreme Court has suspended Rule 400 for Philadelphia
24 County, removing the requirement for service by the
25 sheriff for the majority of civil papers and allowing such

1 service to be performed by private process servers. It
2 is our understanding that this change was prompted by a
3 backlog of service in civil matters in Philadelphia. This
4 change has effectively reduced the surcharge collections
5 by \$190,000 or approximately 30 percent of the annual
6 total. If this situation is allowed to continue, we
7 project depletion of the Deputy Sheriffs' Training account
8 within the next two years.

9 Because the basic training curriculum has
10 been in use for six years and in anticipation of future
11 training needs, the Board recently determined the need
12 to review the present basic training curriculum to ensure
13 that it contained the most job-relevant and recent
14 information available. This analysis, conducted by
15 Applied Science Associates, Incorporated out of Butler,
16 was under contract with the Board and reviewed the basic
17 training curriculum in light of the specific duties
18 performed by a deputy sheriff and the knowledge and skill
19 which an entry level deputy must possess in order to
20 adequately perform those duties. The analysis indicates
21 the need to expand basic training beyond the current
22 160 hours to at least 280 hours of instruction.

23 House Bill 1361 would amend Section 5 of
24 Act 184-2 to allow the expansion of basic training to
25 a minimum of 280 hours and a maximum of 360 hours. The

1 increase in training hours provided by House Bill 1361 is
2 accompanied by a \$1.50 increase in the surcharge to a
3 total of \$3.50, amending Section 8(b) of the Act.

4 The Board's experience in obtaining
5 compliance, by sheriffs and their deputies, with the
6 training mandates of Act 1984-2 indicates a need to
7 strengthen the enforcement provisions of the Act. House
8 Bill 1361 contains two such provisions. First, it would
9 provide a more direct tie between required successful
10 completion of basic training and the ability to exercise
11 the powers and duties of a deputy sheriff. Secondly,
12 it would allow a \$100 per day civil penalty for each day
13 that a county employs a deputy in violation of the
14 training mandates of the Act.

15 Finally, House Bill 1360, Printer's
16 Number 1578, also introduced by Representative Mayernick,
17 would strengthen the linkage between the Board and the
18 Commission by identifying the Chairman of the Deputy
19 Sheriffs' Education and Training Board as an ex-officio
20 member of the Commission on Crime and Delinquency.

21 We would be happy to respond to questions
22 at this time.

23 REPRESENTATIVE REBER: Just two quick
24 questions. What percentage of applicants that take the
25 overall training are there in relationship to the

1 percentage that are granted a waiver? I guess it's easier
2 to say how many are granted a waiver percentagewise,
3 the total amount that take the course?

4 MR. SPANGENBERG: That varies from year
5 to year but it is approximately 10 to 15 percent of
6 the population in any given year applies for it and
7 receives a waiver as opposed to coming through the full
8 basic training course.

9 REPRESENTATIVE REBER: In the situation
10 that just recently developed with the Supreme Court
11 Rule 400 situation what was the rationale, if any, to
12 your knowledge?

13 SHERIFF MICHEL: Philadelphia provided
14 deputies for all the services that they perform in
15 Philadelphia and the courts came forward and said we
16 want more people in our area of courts. Therefore, you
17 shall perform this duty and not put the paper service
18 as your first priority. The courts will be your first
19 priority. As a result, they utilized almost all of their
20 deputies in the court system to handle the prisoners
21 and provide the security at court trials and matters
22 that took place within the court. The papers suffered.
23 As a result, the BAR Association went forward and said
24 to the court they are not receiving service.

25 We offered up some guidance to them, some

1 things we thought they might do in Philadelphia and it
2 was not taken for any reason. And as a result, in order
3 to have the legal papers served, they suspended the Rule
4 of Civil Procedure and allowed process servers to come
5 forth. So they merely said process servers may serve
6 papers without any skills, training or anything else. So
7 that is the type of service they are receiving for their
8 writs and papers in Philadelphia at this time.

9 There are a very minute amount of papers
10 that are being served by the sheriff's department which
11 generates a very small part of the income back to us on
12 our Board.

13 BY REPRESENTATIVE REBER: (To Sheriff Michel)

14 Q But there was a direct suspension then of
15 the surcharge?

16 A No, sir. There was a suspension of the
17 Rules of Procedure, our requirement how do we serve a
18 writ. Those rules were suspended to provide that a
19 process server may serve a paper in Philadelphia.

20 Q But the process server gets paid for his
21 services?

22 A He does, sir, and it has nothing to do
23 with our Act whatsoever. If it doesn't come through the
24 sheriff it is not collected.

25 MR. THOMAS: The difficulty we are dealing

1 with is our surcharge is only collected on papers served
2 by the sheriff.

3 REPRESENTATIVE REBER: What I am saying is
4 an amendment to the effect to perpetuate that fee for
5 any and all papers served would in essence then take care
6 of that. Is that a fair statement?

7 MR. THOMAS: It would be another way of
8 doing it.

9 REPRESENTATIVE REBER: To amend it
10 accordingly to allow process servers as well to be
11 mandated to collect the fees --

12 SHERIFF MICHEL: Through the Prothonotary,
13 if it were collected as a service for a writ, regardless
14 of whom served it, then would fund our program.

15 REPRESENTATIVE REBER: But is it not written
16 that way now that it could be construed?

17 SHERIFF MICHEL: No, sir. It is the
18 sheriff's responsibility in a restricted account
19 accountable to the State Treasurer with payment through
20 the Deputy Sheriffs' Training Fund. It's a noninterest
21 bearing account.

22 REPRESENTATIVE REBER: It seems like a
23 disproportionate subsidization in my mind. Thank you
24 very much.

25 CHAIRMAN CALTAGIRONE: Representative

1 Heckler.

2 REPRESENTATIVE HECKLER: No questions.

3 CHAIRMAN CALTAGIRONE: Representative
4 Frank Dermody and Representative Karen Ritter, Allegheny
5 County and Lehigh County respectively.

6 You have some comments to make?

7 MR. SPANGENBERG: No, sir. I'm just here
8 to answer questions.

9 CHAIRMAN CALTAGIRONE: We might as well
10 approach the subject about the firearms issue. I think
11 it is appropriate because you are appearing here right now.
12 What are your thoughts and comments on that particular
13 piece of legislation?

14 SHERIFF MICHEL: Well, as two persons here,
15 one as the President of the Sheriffs' Association for
16 the Commonwealth of Pennsylvania and as Chairman of the
17 Board there are two issues. One, on the Board we require
18 the training and certification. As a second role through
19 sheriffs, we recommend and it is generally followed that
20 they all have in-house, ongoing certification in their
21 own departments. So there has to be certification when
22 they start in with the Training Board and go through
23 their course they must be certified but there is no
24 mandate carrying it through the sheriff's department,
25 but to my knowledge of 35 years in the sheriff's department

1 every sheriff's department has an ongoing qualification program,
2 some kind of a training program. So there is nobody out
3 there carrying a firearm that doesn't have training,
4 ongoing training, things built into their in-house training.

5 CHAIRMAN CALTAGIRONE: Are they qualified
6 or do they qualify the same way as any of the police forces?

7 SHERIFF MICHEL: They are certified under
8 state rules as to what the training is.

9 MR. THOMAS: You may benefit from letting
10 Steve take a few minutes to explain the in depth of the
11 course that we have, the final week of our basic training.

12 MR. SPANGENBERG: The final week in the basic
13 training course is largely devoted to firearms training.
14 Eight hours consists of classroom in terms of firearm
15 safety, don't shoot decisions, how to especially carry the
16 weapon in a crowded area which is where deputies mostly
17 work in the courtroom which is full of the public, people
18 going back and forth.

19 They also receive a specific two-hour
20 block on that day on the legal aspects of using lethal
21 force. So that the first day is a total of ten hours
22 in the classroom. Then there are three half days on the
23 firing range where they fire a course based on the
24 National Rifle Association's police combat qualification
25 course.

1 We do not teach, there are several modes
2 of teaching firearms. One is to teach target shooting.
3 The other is to teach combat shooting skills. We teach
4 solely combat shooting skills which is the type of skills
5 the police officer, deputy sheriff would utilize in his
6 job. That is basically the course. We are somewhat shorter
7 in hours than the municipal police training course because
8 we do not include other weapons such as shotgun or
9 automatic weapons and we do not include night firing.

10 CHAIRMAN CALTAGIRONE: Another issue I
11 think would help members of the panel here is the issue
12 about expansion of the arrest powers.

13 SHERIFF MICHEL: Well addressing that there
14 is currently a bill that has been sponsored by
15 Representative Mayernick. Last week we convened a meeting
16 to address some of the problems that I am sure you are
17 aware of from the various different political bodies
18 that we must confront. And out of this shared meeting
19 we came up with what we believe are satisfactory
20 compromises to the various bodies. The commissioners
21 have a problem with budgetary amounts that might be
22 raised by this. We already did this. We have done this
23 for years. It was perhaps an assumed power, perhaps not.
24 That will be regulated at some future time but it was there.
25 It did not cost anymore money to do it then. But now, in

1 my particular county, I have been struck by three judges
2 that say you cannot perform these duties whatsoever. So
3 we have to cease by seeing a drunk driver going down the
4 road and do nothing about it, a personal peril for it.
5 If we see something that involves a vehicular violation,
6 we must cease and this is pretty much throughout
7 Pennsylvania. If you believe the ruling by the Superior
8 Court, then you must do it and the liability is gone.

9 So we have gone forward and said if this
10 mandatesthat we should have training in the line of the
11 police officer and its complete part and its 560 hours,
12 this is no problem. We would like to incorporate it
13 with our Board. We would like to incorporate it with our
14 training, with our funding.

15 If there is a problem with the police that
16 we are going to take their job, we don't have a problem
17 with this. We will not contract out with anybody. We
18 don't want to take anybody's job. We don't want to
19 expand what we are doing. Anybody at the county level
20 knows you can't go past the county commissioners and
21 their budget restraints. So you can't get anymore.
22 So you can't get bigger. You can't become a "great big
23 army" by yourself or under yourself because you are under
24 budget constraints.

25 All we are saying is for the general public

1 in this day and age when you have manpower going down in
2 the State Police going to be depreciated and you have
3 all these problems and then you take all the sheriffs
4 and deputies in the Commonwealth of Pennsylvania, and many
5 of them, I have already conducted a survey, already
6 carry certification from the municipal police officers
7 training course. They have also been struck under this
8 thing. So even though you are certified and you have
9 your certification, you still cannot perform these duties
10 by the ruling by the Superior Court.

11 So these people, if it goes forward and
12 there is legislation, they will be brought into the realm
13 of already being qualified not only as police officers
14 but taking Act 2 training which no police officer has
15 to take. So they have received more skills and training
16 because it is the area of our expertise. We are just
17 saying to provide for people that don't have a law
18 enforcement or rural road where our people are all over
19 the city and the county and they are out there, and they
20 say, wait a minute, here is a situation that fits under
21 the Superior Court ruling. We can't do anything about it.
22 Let's see if we can get somebody to help you. Instead
23 of saying two years ago we would have taken care of the
24 situation. We were there, it happened, do it now.

25 And I am sorry to be so long about it, but

1 of course it is an issue that I am deeply involved with.

2 CHAIRMAN CALTAGIRONE: If I may, for our
3 benefit, how many deputy sheriffs, roughly, are there
4 throughout the Commonwealth?

5 MR. THOMAS: 1400.

6 CHAIRMAN CALTAGIRONE: Would they all
7 qualify under the circumstances on training?

8 SHERIFF MICHEL: Under the 1400 there are
9 approximately 340 that I have every reason to believe
10 that are already certified but have not received a
11 certification number from the Municipal Police Officers
12 Training Academy because they are deputy sheriffs and not
13 police officers as such. Those people would have to be
14 dealt with in some manner. They have taken the training.
15 They have all the skills. They just haven't received
16 the number. So that would take that portion of them.
17 How many of them come from the field of law enforcement,
18 how many state troopers, how many city police are now
19 coming into the sheriff's department as employees. That
20 is where the waiver committee comes about to say you have
21 these possessed skills.

22 CHAIRMAN CALTAGIRONE: That is a good point
23 you make. I have seen that happen in a number of counties.

24 SHERIFF MICHEL: We also have the DUI
25 Program which we are an integral part of. Because of the

1 lack of manpower in communities, we are invited into
2 communities to aid them in the DUI Program. In my survey
3 I found that there were 130 I believe certified deputies
4 that can do this. But they can only do this as a
5 secondary member. They cannot be a front person. They
6 can move back in steps two and three, but they can still
7 aid communities in the DUI Program. Without this many
8 of the programs have had to cease.

9 CHAIRMAN CALTAGIRONE: Have you had formal
10 contact and negotiations with either the State Police or
11 the FOP or both?

12 SHERIFF MICHEL: I have not had any reason
13 to deal with the State Police, sir, out in front. Yesterday
14 I spoke to the President, the National President of the
15 Fraternal Order of Police. I briefed him as I am you
16 of what our intentions are. We have drafted this into
17 legal terminology as such but not into terminology to
18 bring it in as amendments to the bill. I have asked for
19 or will ask for meetings when this is done with these
20 parties, county commissioners which have an issue here,
21 with the Fraternal Order of Police, chiefs of police who
22 have an issue here. That is the primary people. The
23 rest we are saying training is skill. That is no problem.
24 Nobody is arguing about that.

25 The second thing is how do you pay for it.

1 We think that we have a vehicle to pay for this, but as
2 we have read to you today, we are talking about current
3 situations. You have gone outside the scope of this
4 in my opinion and as such we would want to amend our
5 surcharge to include these skills, this training. I think
6 that could be done without any problem. Particularly
7 if it is collected from the Prothonotary.

8 CHAIRMAN CALTAGIRONE: Well in the same
9 vein, because we are talking about changing the law and
10 that law, the origins of which would originate out of
11 this Committee, of course as a bill, that addresses this
12 particular issue and financial aspects of what we are
13 talking about here would impact on broadening the powers.
14 You don't foresee, and the legislation of course would
15 have to be very specific in its final draft, not expanding
16 your powers but you are saying if the deputy sheriff is
17 going to work and an offense occurs, that he sees that
18 has taken place, that whether it is a traffic violation
19 or some situation like that you feel he or she should be
20 empowered to enforce the laws of the Commonwealth to make
21 an arrest?

22 SHERIFF MICHEL: In answer to that I do,
23 sir. It has been the practice of sheriffs for as long as
24 I have been in the business if you are there, you tell
25 your employees if you are there there is a violation of the

1 law, take care of it. Don't go looking for it. This is
2 your secondary job not your primary. But you cannot very
3 well take a man in uniform, and just because he is wearing
4 that uniform and a six or a seven point star turn around
5 and say you cannot enforce the law because you are a
6 deputy sheriff. You can't do that. So you either have
7 to take the stars and the bars and the whole thing away
8 and say put on a suit and go back where I was 35 years ago
9 and try and go out and take somebody out of a house or
10 take a child away or enforce the law that surrounds you,
11 but when you see a drunk driver you turn around and look
12 at the wall so you don't have to witness anything. That
13 is the difficult part of deputy sheriffs and sheriffs
14 at this point. Just saying, what am I going to do? I
15 know what will happen. Any deputy or any sheriff that
16 sees it will go ahead and stop it and make some kind of
17 a moral judgment that at some future date probably will
18 result in a lawsuit against him. But at least he will
19 be able to live with the fact that nobody got hurt. That
20 is the hard part. We are not expanding anything. We
21 are not looking to do anything else. Lord knows we got
22 enough to do. What we are saying is while we are out
23 there doing these things, while we are out there with
24 protection from abuse, 10, 15 a day in Erie County alone,
25 and when you are out there, you are out amongst the general

1 public. Things happen. People go through school zones.
2 Kids are getting on buses. What do you do when you are
3 sitting there in a car with the red lights and the stars
4 on the side and it is white in color and you are in
5 uniform and somebody says, well, why don't you get him.
6 He just went through a school zone. You say, I am sorry
7 but we are not allowed under the Vehicle Code Book. You
8 can't. And it is becoming very hard to rationale this.
9 People are in check. You ask a question about the firearms.
10 Sheriff deputies have been trained since day one with
11 the weapon that they are carrying. You are the first
12 person that has ever asked me what about the certification.
13 My people went into nine millimeter weapons. We never
14 had them before but by contract they wanted them. So we
15 brought in the factory representative, spent an entire
16 day taking the gun apart, dry firing, going through the
17 mechanism. Then they spent another full day on the range.
18 Then they spent the third day out there qualifying. They
19 cannot carry another weapon unless they go out there and
20 get certified with that weapon. That is their service
21 weapon. They must carry it. They get eight hours of
22 on-the-range training. Most sheriffs do this. They
23 don't want people out there with weapons if they aren't
24 trained, if they don't have a 235, if they don't have
25 any of the skills or training, they don't carry a firearm.

1 CHAIRMAN CALTAGIRONE: Is there any area
2 in your mind that you wouldn't want to see the deputy
3 sheriffs get involved in law enforcement particularly?

4 SHERIFF MICHEL: I have to answer that kind
5 of broadly. I don't want them to become the word police
6 officer cops. I think that is a general opinion. This
7 member board that we had meeting last week, they don't
8 want to be cops. They need the power and authority so
9 they don't have to say where does this fall and can we do
10 this thing. But I don't think in a murder investigation
11 that we have the expertise, that we have the manpower,
12 that we have the time. So what do you do? You have to
13 be entitled so that you can secure a place. You have
14 these knowledges now. Most departments have these
15 knowledges now how to secure a crime scene. They can
16 do it, direct people. But when it comes to the actual
17 investigation of the murder some sheriffs have done this.
18 They have done this traditionally for years and years and
19 years. My companion sheriff has done it for many years.
20 He has been the sheriff for, I think, 38 years now and
21 retiring. But they did all the investigations, all the
22 things in their county, but that was a manpower situation.
23 But to say is there anything that I don't think they should
24 be doing, I just think that we know that our powers,
25 if they just include these things that we have been doing

1 for years, that is all we are saying. Just bring it back
2 into this day and age. You've got 48 states across the
3 United States that have legislation that have already taken
4 this out. You don't have Pennsylvania, you don't have
5 Massachusetts or Commonwealth. It isn't spelled out in the
6 law. Go to Ohio, go to New York, go to Wisconsin, go to
7 Florida. It is spelled out. They are the same. They
8 are equals. The only thing is the sheriff's department
9 has become much bigger.

10 We are just saying we are an arm of law
11 enforcement. If we take the training, if we have the
12 skills in this day and age why not utilize them. Why
13 turn around and say you can't do that and that is the
14 whole problem. The Superior Court has ruled if you are
15 a deputy sheriff, if you wear that title, you can stand
16 there naked, if you have an Act 120 certification and
17 you are DUI certified, you can stand there stark naked
18 and stop the car and process the entire car in nudity
19 and it is perfectly okay.

20 But if you are a deputy sheriff, if you
21 have the markings, if you wear the uniform, if you utilize
22 the equipment, the law looks at it that you are acting
23 as a deputy sheriff and you don't have the authority.
24 That is the Superior Court ruling. Now that is our
25 problem. That is why these things are paramount. I am

1 thrilled that you are asking these questions and that
2 we have got beyond it because you can see I am kind of
3 bottled up with it.

4 MR. THOMAS: Mr. Chairman, could I provide
5 a supportive, a broader perspective. Certainly the
6 sheriff doesn't need any help from me to express his
7 views as far as a sheriff and also as Chairman of the
8 Board. But as you know, I wear another hat as Staff
9 Director of the Commission on Crime and Delinquency and
10 we dealt with law enforcement issues for the last 20 years.
11 Clearly in the heyday of LEAA we pumped an awful lot of
12 money in to try to create regionalization of departments,
13 trying to provide support structures for small departments.
14 We don't know how many police departments we have. We
15 know we have somewhere between 12 and 1400 and it is alluded
16 an inaccurate count ever since I have been around. And
17 the reason is because so many of them are mom and pop
18 operations. When hunting season comes up this fall,
19 a lot of police departments will close their doors.

20 We know that, one, we never dealt with
21 sheriffs very much until 1984 whenever we were asked to
22 provide the training. We have gained a great deal of
23 experience however the last six or seven years. And we
24 know that sheriffs' offices are different depending on
25 what county you are in. Some indeed do not provide very

1 much or any law enforcement responsibilities nor do they
2 have a desire to nor does it fit in the structure that
3 they have in a county.

4 However, we do know that in a number of
5 other counties that the motor patrol, the support is
6 back up for police departments is important. The manner
7 in becoming involved in a criminal, relative to the
8 courtroom security are all paramount. They are part of
9 the ongoing function.

10 The other thing we have noticed over time
11 is that we have not found sheriffs who are acting in
12 nonsupport of local law enforcement. Indeed there is a
13 team approach. Whether you are in Cumberland County
14 or Allegheny County or Erie County that the sheriffs
15 are working very much hand in glove with the whole police
16 departments. Back-up for drug raids is extremely
17 important. And it would seem to me in a broader sense,
18 as we are trying to look over the next ten years of where
19 we are going in law enforcement, giving the pressures
20 that are on local government, giving the pressures that
21 are on law enforcement, that we ought to be doing
22 everything we can to enhance the support structures for
23 law enforcement as opposed to really handcuffing this
24 resource that is out there.

25 Certainly as sheriffs' departments providing

1 actual law enforcement responsibilities as they do in
2 Allegheny County, training is absolutely essential,
3 training and certification. All the deputies in Allegheny
4 County for instance go through Act 120 training are
5 certified before they even come to the Deputy Sheriffs'
6 Board for training. Yet the way the law is written or
7 ambiguities in the law, they can't be fully deployed,
8 can't be fully utilized to the extent that they have
9 been previously.

10 CHAIRMAN CALTAGIRONE: Can the objections
11 of the FOP be mediated somehow?

12 SHERIFF MICHEL: That is what I presented
13 to you. With the FOP, once the terminology is reduced,
14 it would be reduced that the sheriff or his deputies
15 will not contract with any borough, town, township,
16 department for remuneration of fees for any services
17 rendered. That we would still make arrests for anything
18 that was committed in view. But other than that it would
19 be turned over, the resources would be turned over, which
20 are generally done now with the exception of certain
21 places. As Mr. Thomas said, Allegheny has its own
22 program and resources and Warren County did. It is
23 just something that has been workable. It isn't anything
24 that we have taken away from anybody. But for FOP purposes,
25 we are willing to say to them, we are not going to take

1 anything away from you, we never have. It has not been
2 shown that we have. We will demonstrate to you that we
3 do not care to, we don't want to. But there are services
4 we provide which are your county fairs, your different
5 things that come up within your county structure that
6 you provide people for. Law enforcement does not do this
7 per se law enforcement meaning your township police or
8 whoever it may be. They may be out of jurisdiction. It
9 is provided. That is not going to hurt anybody. It is
10 not going to take anything away from anybody.

11 In my particular county, as Mr. Thomas has
12 said, we back up all law enforcement in all kinds of things.
13 We are there. If we are there on the street and the
14 police officer is there, if the state trooper is on the
15 side of the road and he has somebody pulled up, you pull
16 up behind him and offer him assistance. If it is the
17 scene of an accident, you usually wind up directing
18 traffic while he investigates. It is just what you do
19 for a living.

20 So, in order to alleviate this with the
21 FOP, as I have told you, I have talked to the National
22 President yesterday at length, I told him what our
23 proposal is, told him I wanted to meet with the State
24 President and what method we would use to do that to sit
25 down and have a meeting to say will this take care of your

1 concerns. I was advised that this may not happen from
2 the National President but he would use the powers and
3 authorities of his office to satisfy what is happening
4 with our Philadelphia brothers who seem to raise the issue,
5 because this is not an FOP issue. This is coming through
6 the FOP from its officers and its people but it is not
7 coming from the local lodges, and I belong to a local lodge
8 and many of my people. We have letters from them. So it
9 is not coming from the FOP. "It is coming from certain
10 people." So it is related to you people the FOP objects.
11 It is not an FOP objection. It is that it is being
12 carried forward and things are being utilized. Those
13 that can utilize the newspaper for the FOP purposes
14 utilize it. But we are willing to concede that if this
15 is what it takes, we have no problem with it.

16 We are not expanding. I know from Erie
17 County it is impossible. For three years I have asked
18 for four more employees. Our judges, we have more judges.
19 Everything has gotten bigger. I get no more employees.
20 I haven't gotten any more cars. I just keep on going the
21 way I am. Budgetary constraints tell me what I will do
22 and that is all I can do. So any argument about getting
23 any bigger just can't go anyplace.

24 CHAIRMAN CALTAGIRONE: Any questions?

25 Representative Dave Mayernik.

1 REPRESENTATIVE MAYERNIK: I came in late
2 on this and I apologize for my tardiness. But I was a
3 member of the PCCD until recently. I have been on
4 different boards. But I have been in conversation with
5 Sheriff Michel in the past. What I hear you saying today
6 is that it is your objective not to take police jobs away;
7 is that correct?

8 SHERIFF MICHEL: That is correct.

9 REPRESENTATIVE MAYERNIK: And basically
10 to maintain the status quo.

11 SHERIFF MICHEL: That is also correct.

12 REPRESENTATIVE MAYERNIK: In the past,
13 the FOP has fought the sheriffs and deputy sheriffs from
14 having powers of arrest under the Vehicle Code or the
15 Crimes Code because they say it will take away jobs of
16 police officers. What I hear Sheriff Michel saying today
17 is, speaking for the Sheriffs' Association I imagine as
18 well as Chairman of the Board, that the Sheriffs'
19 Association is willing to put in statutory language that
20 they shall not enter into contractual agreements with
21 boroughs, townships, cities, first, second, third class,
22 what have you, to provide contractual police services for
23 compensation.

24 And the FOP's argument is you are taking
25 jobs. If this would be statutory language, there is no

1 way that any jobs could be taken. In fact if anything,
2 the argument would be adduced that they are guaranteeing
3 police jobs would not be taken.

4 So I think that Sheriff Michel should be
5 commended for taking that position, and I know in this
6 Committee we have had the issue of constables, sheriffs,
7 deputies, the police. It seems we get them all in a
8 turf battle. But this legislation I hear today would
9 assure us that in the future we wouldn't have that argument.
10 We could put this issue to rest. That is what I hear
11 on the jobs issue. I think that is excellent.

12 But I also think you stated unless there
13 is a court order or the chief of police requests you
14 to come in?

15 SHERIFF MICHEL: That is correct, sir. I
16 must apologize to you because we have been in contact
17 and I received the language that came out of our meeting
18 and I received that, and when I was asked by the Chairman
19 to go beyond our reason for being here today and into
20 this, this language came out which we propose to bring
21 back so it can be put into proper form for an amendment
22 or for another bill, whichever it may be. We have put
23 forth four different items. One being that training is
24 no problem, whatever the training would be. If it is
25 Act 120, whatever it may be. Funding, which is a surcharge.

1 Commissioners, there would be no additional personnel or
2 equipment or monies or whatever to make a budgetary
3 problem. And the final thing being just what you said,
4 a laundry list of what we won't do or where we won't
5 provide services. Now if we are required or requested
6 by the chief of police, that would be where we would go
7 in and aid and assist him. If there were a court order
8 directing us to a strike scene in a municipality, we
9 would have the superior authority to go ahead and carry
10 this out and the police would become our subordinates
11 and we would have to work together. So we are saying
12 the same thing that nothing would change. We don't go
13 into anyplace and conduct DUIs unless we are invited.

14 REPRESENTATIVE MAYERNIK: In the case of
15 a court order that is the status quo right now. The
16 court presently orders you into a strike situation.

17 SHERIFF MICHEL: That is correct.

18 REPRESENTATIVE MAYERNIK: And you probably
19 do that now. So you would maintain status quo.

20 SHERIFF MICHEL: That is correct.

21 REPRESENTATIVE MAYERNIK: In regards to
22 your statement that the chief of police would be the only
23 one to call you in in a situation, now for the purpose
24 of the members of this Committee, and we still have a few
25 here, the reason why the chief of police was chosen is that

1 way the chief is not circumvented. The elected official
2 being the president of council, the mayor could not call
3 but the chief would have the total responsibility for
4 making that call. So that the sheriffs and deputies
5 are not stepping on their toes. I think that that is an
6 excellent position taken by Sheriff Michel and his
7 Association.

8 If I could move onto one more issue that
9 you have touched on and that is one of cost of providing
10 the service for the education, and I know that that is
11 part of the Board here. What is your proposal in regard
12 to cost or is it still too soon to even approach that
13 subject?

14 SHERIFF MICHEL: We have a generalization
15 at this time, originally you had sponsored a bill to raise
16 our fee to three and a half. Because of the Philadelphia
17 situation, which was covered earlier in the meeting as to
18 why did we need the increase and what problem were we
19 having, so at that time we were asking for \$3.50 instead
20 of the two.

21 We feel now that again, based upon whatever
22 Philadelphia does or does not do, loss of funds there,
23 in order to do this it needs two things. One, that it
24 is collected through the Prothonotary. And the second
25 thing, we believe it is a five dollar fee for any service

1 or paper that is rendered. This would take care of
2 ~~Philadelphia's situation where the money is collected by~~
3 a process server. It may be greater money than generated
4 by the sheriff but the process server gets it with no
5 skills or training, nothing. You just set yourself up
6 as a process server, you collect a fee and you serve
7 papers. This would bring those papers to the Prothonotary.
8 It wouldn't clean up the paper service but that is not
9 our problem. It is a legal problem. We are just saying
10 in order to fund this program, the loss of our funds and
11 if we are to go ahead with additional schooling, we could
12 only approximate what that fee would be at this time.

13 Mr. Thomas, did you have anything on that?

14 MR. THOMAS: Just as a point of clarification,
15 the Philadelphia problem is simply a point of collection.
16 So if we are able to move the Prothonotary or somehow
17 collect that two dollar fee now from anyone who is serving
18 it in Philadelphia, we have solved our Philadelphia
19 problem for the existing program that we have 160 hours.
20 Our testimony suggests that we need to, just based on
21 current responsibilities, we need to up that training
22 that deputy sheriffs receive greatly and that brings us
23 up to the 3.50 that is in Representative Mayernik's bill.
24 As we look to doing any further laying of enforcement
25 authority or codifying enforcement authority, it may make

1 good sense at this point to mimic Allegheny County and
2 take any sheriff that is performing law enforcement
3 responsibilities, any sheriff's department, deputies who
4 are performing law enforcement responsibilities, and
5 run them through Act 120 training or something comparable.
6 And then that is when you come into additional cost
7 and that is where we would estimate at this point a
8 five dollar fee, a total five dollar fee would be able
9 to handle that. Realizing that we would have a great
10 number of deputies, roughly, a thousand that we would
11 need to take through 560 hours of training. Then after
12 that it would be a maintenance of about 140 a year if
13 present trends continue.

14 REPRESENTATIVE MAYERNIK: When I hear you
15 say 560 hours of training, right now the Act 120 is
16 520 hours. 560 would be the highest enforcement officer
17 training in the state.

18 MR. THOMAS: I misspoke. If we increase
19 the Act 120 training, it is now 520 and that is what we
20 are trying to get comparable just for the law enforcement
21 responsibilities however. In addition to that, I guess
22 that is what you are alluding to, in addition to that we
23 still need to bring them through Act 2 training which
24 would be the training specific to sheriffing, the civil
25 process, courtroom security, etc.

1 REPRESENTATIVE MAYERNIK: So in essence
2 it would be the second highest training of a law enforcement
3 officer second to the State Police, but more training
4 than municipal police.

5 SHERIFF MICHEL: If you took the complement
6 of 120 and add Act 2 to it, it would be the superior of
7 the two. It would be above. It would not be equal
8 because they receive none of those skills that are taught,
9 I wouldn't say none but virtually no skills that are
10 taught under Act 2 are taught to any police officer or
11 State Police officer, call it whatever you want to.
12 Because they are not taught courtroom security, prisoner
13 transportation, service of any writs. Somehow we would
14 have to balance, if it is to come under our Board, we
15 would have to balance how we could take these things
16 out of here and substitute them over here. Because we
17 both have firearms training. That gives us hours to
18 work with one way or the other by pulling them out of
19 the program and you work towards a balance of hours of
20 training.

21 REPRESENTATIVE MAYERNIK: So you are
22 talking in essence a waiver then for certain classes that
23 you would receive in 120 or Act 2, there would be some
24 type of waiver system.

25 SHERIFF MICHEL: Well, it would depend how

1 it finally came out. What the end result was whether or
2 not you take the 120 through its conclusion and then you
3 took something out of Act 2 and said, all right, you have
4 already had firearms, you don't need that so we'll withdraw
5 that from this side over here and readjust the hours.

6 REPRESENTATIVE MAYERNIK: So my statement
7 would be accurate then. It would be the second highest
8 law enforcement in training, only second to the State
9 Police but above municipal police training. You would
10 have more training than the municipal police but less
11 than the State Police.

12 MR. THOMAS: The State Police are at 560.

13 REPRESENTATIVE MAYERNIK: The State Police
14 are way above that. They are six months or something.
15 So they would be second.

16 I know Representative Billow and Veon
17 are very interested in this legislation about the sheriffs'
18 powers. I know one of the oppositions would be the
19 education and training. It seems like you have that
20 solved with the FOP here with this substituting and making
21 the deputies go Act 120 training.

22 But also I hear you talking about the
23 fee. One thing we are conscious of or cautious of is
24 the increase in cost to the Commonwealth. The fee I
25 hear you are talking about, the five dollar fee additional,

1 would not be a fee that the taxpayers pay but it would be
2 a user's fee; is that correct?

3 SHERIFF MICHEL: That is correct. It would
4 be a surcharge upon the services performed which would be
5 collected and turned over to the State Treasury, turned
6 over to the Board for the training and skill.

7 REPRESENTATIVE MAYERNIK: So the actual
8 cost to the Commonwealth, the taxpayers, John Q. Public,
9 11.8 million people is none. It would only be to those
10 people that use the Prothonotary and sheriff's office.

11 SHERIFF MICHEL: If all things are equal,
12 it would be no different than the seven years we have gone
13 through with Act 2 which are zero balance to anybody
14 other than the users of our services.

15 REPRESENTATIVE MAYERNIK: So the Governor
16 should be happy with that.

17 MR. THOMAS: I might say that the collection
18 of the two dollar surcharge has really not generated
19 any opposition whatsoever. Of course, that was a new fee
20 that was added on so it was a very easy fee to add. Your
21 proposal for the 3.50 has been widely circulated and we
22 haven't gotten any negative comments whatsoever. My
23 own judgment would be moving to five dollars really
24 wouldn't create any constituency argument against it.
25 There just isn't that constituency. Going from two to

1 five is another three dollars.

2 REPRESENTATIVE MAYERNIK: I don't have any
3 other questions, Mr. Chairman. If I could just make a
4 brief statement. I would just like to thank the gentlemen
5 for coming today. I have been working with them on
6 legislation of this matter with the sheriffs and deputy
7 sheriffs throughout the Commonwealth and both groups of
8 sheriffs and deputy sheriffs are in agreement with
9 increasing the hours of training, with putting the cost
10 to user fee so there is no cost to the taxpayer themselves
11 but only to the user so we don't have a fiscal note here
12 in the Commonwealth.

13 There is or has been in the past opposition
14 from the FOP being that the training is not adequate.
15 And I believe that Sheriff Michel has adequately addressed
16 this in his proposal because the training would be even
17 greater than that of a municipal police officer by 40
18 hours or maybe even 60 hours. So the training aspect
19 would be a moot point. And as I hear the opposition
20 saying they are going to take jobs from what I have heard
21 today, the sheriffs are willing to maintain the status
22 quo of their position and where they enforce the law.
23 So that no jobs of police officers or FOP members, I use
24 that interchangeably, even though deputy sheriffs are
25 FOP members, can be taken by sheriffs or deputy sheriffs.

1 So I think those three points, the
2 education and training, the user fee and the guarantee
3 that sheriffs shall not enter into contractual agreements
4 for compensation are all good points and I think the
5 sheriffs have worked in good faith. I only give this
6 little statement now because I know we will be seeing
7 this in front of the Committee soon in preparing this.
8 I am sure we will be seeing Mr. Thomas and Sheriff Michel
9 and Steve Spangenberg again. But I would like to thank
10 you for coming today and thank the Chairman for having
11 this hearing.

12 SHERIFF MICHEL: I think it is us to thank
13 you very much for your participation. I publicly
14 acknowledge that.

15 CHAIRMAN CALTAGIRONE: Galina.

16 MS. MILOHOV: Yes. I would like to get a
17 little bit more background information on the situation
18 in Philadelphia which caused the suspension of 400. You
19 state in your testimony that this has resulted in a
20 reduction of surcharge collections to the tune of \$190,000.
21 What I am curious about is, first, are the private
22 process servers qualified to serve these sorts of papers?
23 In your opinion do they have special training, do they
24 know how to approach the people when they are serving
25 these papers?

1 And secondly, was there not a large enough
2 force of deputy sheriffs in Philadelphia so that there
3 was the backlog in the Philadelphia area or how is it
4 that the Supreme Court had to come to this ruling?

5 MR. THOMAS: Ever since we started the
6 training program, we have worked with some frustration
7 with the City of Philadelphia. They have a finite number
8 of deputies, they have an antiquated courthouse in which
9 they have to provide security in each of the courtrooms.
10 They have to transport prisoners from a, this courthouse
11 is like a highrise so they are transporting prisoners
12 from the holding cells on the upper floors down to the
13 courtroom. It is very manpower intensive the whole time.
14 In addition, they have their civil process.

15 We are all familiar with the fiscal
16 constraints that Philadelphia has been under. I think
17 what came to play last year was a frustration on the part
18 of the Common Pleas Court of saying we can't move the
19 process, we can't move the cases fast enough, asking the
20 sheriff when are you going to provide sufficient deputies
21 to make this court work. And his response was I can't
22 afford to send any more deputies providing courtroom
23 security and bringing the prisoners down because I have
24 all this civil process to worry about. Of course, the
25 prison system is under a court order in Philadelphia moving

1 prisoners through the trial stages and giving those
2 decisions are of paramount importance. Of course,
3 the Supreme Court has taken a very strong interest in
4 the Philadelphia courts. And from our viewpoint, a rather
5 simplistic notion was, fine, we will just relieve the
6 sheriff of the responsibility of doing the civil process.
7 Quick like that. Very fast decision. No consultation
8 with us. And I am certain no consideration that it had
9 any bearing on the state mandated training program.

10 The consequence, however, has been that
11 they didn't have to hire new deputies in Philadelphia
12 and that has been very much of a budget consideration.
13 The consequence has been that there is better courtroom
14 security and prisoner transport in Philadelphia than
15 what there has been. The other consequence is that,
16 roughly, out of a budget of 600,000 a year, we are nicked
17 about 200,000 and we do have sufficient reserve with a
18 good bit of, I might say, strong, conservative management
19 of those funds. We are safe for about another year to
20 18 months. But it certainly is time to start getting
21 the solution. We have got to get this firmed up or we
22 would risk having to cut back the program from even what
23 it is today.

24 The first question, I would like to defer
25 that to Sheriff Michel, and that had to do with the

1 competency of private service providers.

2 SHERIFF MICHEL: To my knowledge, if you
3 want to set yourself up as a process server, you can set
4 yourself up as a process server, make it known, take a
5 telephone number and get an address and that is the end of
6 it.

7 The constraints that are placed upon me
8 by rules and regulations by law require me to do various
9 and sundry things. That is what we teach at our school.
10 That is what a deputy has to know. When you take a
11 process server, you could take a college student and
12 say go out and find this person and serve the paper. If
13 they don't know what the Act provides and so forth and so
14 on, they come back and they sign an affidavit and that is
15 all there is to it. That is the end of it. That is all
16 the service you get.

17 The attorney picks up his paper, he makes
18 out his own return. If you are not aware of this service,
19 then a lawsuit can be performed against you. You have
20 moved. You have gone someplace else. You have been
21 served as far as Philadelphia is concerned with the
22 suspended rule. So, it leaves a lot to be desired.

23 Naturally in my opinion, which is
24 opinionated because of my position, but I don't believe
25 in it, haven't believed in it from other states. That is

1 because of the skill and training and Philadelphia didn't
2 receive skill and training until our Board came into
3 existence. And now their deputies are trained to be
4 multi-faceted service personnel. Where before you did
5 one job. That is all you performed in your career.

6 MS. MILOHOV: Would I be fairly restating
7 your point of view to state that it would be more
8 appropriate to hire more deputy sheriffs and put them back
9 in position to serve these papers?

10 SHERIFF MICHEL: The devil's advocate,
11 I'm not in Philadelphia. We have offered expertise if
12 you will, knowledge, common sense that we thought might
13 help them in their process. If anybody can serve a paper
14 why not have your office personnel serve the paper and make
15 the money. They have the expertise. Send them out.
16 Let them go at night. This seems like a simple solution.
17 But if you've got ten people and you've got papers and
18 they understand the rules and procedures, you are going to
19 get good service, it is going to come back to the sheriff's
20 department and it pays them, compensates for their time.
21 This was not done because the controller didn't like the
22 idea. It wasn't a proper way to do it.

23 My solution would be to send people out at
24 night, to get more people to go out and serve the papers.
25 Again, I'm not there. I only know what I do in my own

1 county. I know how I handle it in my county and how I
2 get it done and how I deal with attorneys. I don't think
3 Philadelphia is anymore unique than anyplace else is.
4 I think it just takes some organization to get it going.
5 But I am not there so I don't have that right to criticize
6 them.

7 MS. MIHOLOV: Thank you.

8 CHAIRMAN CALTAGIRONE: Are there any other
9 questions?

10 REPRESENTATIVE MAYERNIK: One more quick
11 question. I notice at the bottom of your statement,
12 Chairman Thomas, that you address House Bill 1360, which
13 as Board Chairman of Deputy Sheriffs' Education and
14 Training Board is an ex-officio member of the PCCD,
15 Pennsylvania Commission on Crime and Delinquency. Is
16 there a cost factor of doing that and what is the
17 Commission's opinion of having Sheriff Michel at this
18 time be the ex-officio member or the President? Is
19 there a problem?

20 MR. THOMAS: No problem at all. It is
21 housekeeping. It is something that in the absence of
22 the current chairman being a member of the Commission on
23 Crime and Delinquency, in the absence of that he is
24 invited regularly to the Commission meeting, regularly
25 addresses the Commission at its quarterly meeting and it

1 is a matter of housekeeping that the Chairman of the
2 Board should be a voting member of the Commission. The
3 Commission serves -- the Board acts in many ways
4 autonomously but there is a first instance, and the Act
5 certainly provides for the Commission's oversight, but
6 in the first instance the Board decides what makes sense
7 relative to policy. It then progresses to the Commission
8 and the Commission has a great deal of confidence in the
9 Board and routinely will bless the Board's work. But
10 there is always that occasion, that eventuality, that
11 you will have an appeal. That you will have someone
12 agree, and the Commission becomes that first line of
13 appeal.

14 Given that kind of arrangement, it makes
15 a lot of sense to have the Chairman of the Deputy
16 Sheriffs' Board as an integral part of the Commission.
17 It kind of cements that relationship. And indeed, it
18 is the same relationship we had for the first four or
19 five years of the Board where Judge Stranhan, President
20 Judge of Mercer County, a member of the Commission also
21 was elected Board Chairman. So we became accustomed to
22 having that relationship. Judge Stranahan retired and
23 the Governor then made new appointments to the Board.
24 The Board elects its Chairman, but there is not that
25 formal linkage. We just think it would make a lot of sense

1 to do it by statute. No cost factor to it. I say no
2 cost factor. The only cost would be paying for travel,
3 a per diem allowance for actual reimbursement of the
4 actual expenditures. So whoever the Chairman would be
5 would pick up his mileage and meals and hotel room while
6 they are there. There is no fee that is paid to
7 Commission members. It is a very nominal cost over the
8 course of a year.

9 REPRESENTATIVE MAYERNIK: It is a nominal,
10 minimal cost to add this member. This is my legislation,
11 the reason why they prefer it is the Chairman, they want
12 the additional member because Judge Stranahan was working
13 in a dual capacity as a member of the PCCD and as a
14 member of the Chairman of the Deputy Sheriffs' Education
15 and Training. Since he has retired or resigned no one
16 plays that dual role. So there is no actual connection.
17 That is why this legislation.

18 MR. THOMAS: I might add it is the same
19 model, what we are trying to do with deputy sheriffs is
20 the same model we do with our Juvenile Advisory Committee.
21 Statutorily the chairman of the Juvenile Advisory
22 Committee appointed by the Governor automatically becomes
23 a member of the Commission. When that person is no longer
24 chairman of the Juvenile Advisory Committee, that person
25 would leave the Commission. It makes it very smooth and

1 that has operated since 1977.

2 REPRESENTATIVE MAYERNIK: Also at this
3 time on House Bill 1361 Sheriff Michel, it is then the
4 opinion of the sheriffs, deputy sheriffs of this state
5 that that bill should be put on hold until you come out
6 with your new provisions with Representative Billow and
7 Representative Veon; is that correct?

8 SHERIFF MICHEL: That is correct, sir. As
9 I have said, I have given out information today that
10 has not been made available to you or even the other
11 members because of the inquiry which I think it is good
12 and I think it is good to have it out here. But yes,
13 this definitely will have an effect upon that.

14 REPRESENTATIVE MAYERNIK: Good. I would
15 then ask the Chairman, I have sent you letters about
16 moving House Bill 1361. If you would then disregard
17 the memos of moving House Bill 1361, but please do pay
18 attention to moving House Bill 1360 on putting the
19 ex-officio member on for which there is a nominal or
20 minimal cost factor as well it seems to be precedent
21 already set with other Board members to be statutorily
22 seated on the PCCD.

23 CHAIRMAN CALTAGIRONE: Any other questions?

24 (No response.)

25 CHAIRMAN CALTAGIRONE: Gentlemen, thank you

1 very much for participating today.

2 SHERIFF MICHEL: Thank you.

3 (Whereupon at 2:05 p.m. the hearing
4 was adjourned.)

5
6 I hereby certify that the proceedings and
7 evidence taken by me in the within matter are fully and
8 accurately indicated in my notes and that this is a true
9 and correct transcript of the same.

10 Dorothy M. Malone
11 Dorothy M. Malone
12 Registered Professional Reporter
13 135 S. Landis Street
14 Hummelstown, Pennsylvania 17036

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